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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,737	05/04/2005	Johannis F. Blacquiere	NL 021137	4554
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EXAMINER				
ALUNKAL, THOMAS D				
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2627				
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12/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,737

Applicant(s)

BLACQUIERE ET AL.

Examiner

THOMAS D. ALUNKAL

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/13/08 have been fully considered but they are not persuasive.

Regarding applicant's arguments beginning on page 7 or Remarks, the applicant argues that the combined teachings of Kishinami and Okamoto do not disclose all of the claimed limitations of independent claims 1, 7 and 9. The crux of the applicant's argument is that Kishinami, Okamoto, and combination thereof do not disclose a peak/bottom detector at the output of the I operator. However, as currently claimed, the I operator is only one component of the PID operator. Therefore, an output of the PID operator is also viewed as the output of the I operator because the I operator is part of the PID operator. The rejections of independent claims 1, 7 and 9 are consistent with this interpretation as the peak/bottom detector of Okamoto is provided at the output of the PID operator of Kishinami. The Examiner believes all of the applicant's arguments have been addressed. Accordingly, the previous grounds of rejection for claims 1, 4-7 and 9 are maintained. In addition, new claims 10-15 will be addressed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kishinami et al. (hereafter Kishinami)(US 6,118,739) and in view of Okamoto (US 5,225,755).

Regarding claim 1, Kishinami discloses an apparatus for processing data on a data carrier which rotates about an axis and on which tracks are provided for containing said data, said track spiraling around a center, said apparatus comprising an angle measuring device from which angle information is derived, the angle measuring device being constituted by an eccentricity measurer sensitive to the non-coincidence of said axis and said center (Figures 1A, 10 and Column 2, lines 37-58); a PID operator for the tracking of a beam on the track, said PID operator comprising an I operator, wherein said eccentricity measurer takes account of a signal at an output of the I operator (Figure 4A, Element 96, PID, and Column 10, lines 9-17). Kishinami does not specifically disclose where a peak/bottom is connected to the output of the I operator. In the same field of endeavor, Okamoto discloses an eccentricity measuring apparatus (Figure 4) which comprises an eccentricity detecting element (Figure 4, Element 22) that contains a peak/bottom detector (Figure 5, Elements 22a and 22b) used to accurately detect an eccentricity amount based on input error value (Column 6, lines 41-52).

It would have been obvious to one of ordinary skill in the art at the invention was made to provide the peak/bottom detector of Okamoto at the output of the I operator, outputting an error signal, of Kishinami, motivation being to accurately detect the eccentricity amount of the data carrier.

Regarding claim 4, Kishinami discloses a frequency multiplier for providing pulses, wherein said frequency multiplier is linked to the output of the I operator, and wherein angular position information is derived from said frequency multiplier (Column 16, lines 13-18).

Regarding claim 5, Kishinami discloses wherein the PID operator acts on a radial tracking signal (Figure 4A, Element 140, PID acting on TES).

Regarding claim 6, Kishinami discloses wherein the PID operator acts on a focusing signal (Figure 4A, Element 96 acting on FES).

Method claim 7 is drawn to the method of using the corresponding apparatus claimed in claim 1. Therefore method claim 7 corresponds to apparatus claim 1 and is rejected for the same reasons of obviousness as used above.

Regarding claim 9, this claim recites limitations similar to those in method claim 7 and is rejected for the reasons provided above.

Regarding claim 10, Kishinami discloses a frequency multiplier, wherein the peak/bottom detector outputs a detected output to the frequency multiplier for outputting pulses so that counting the pulses produces angular position information (Column 16, lines 13-18).

Regarding claim 11, Kishinami discloses wherein the detection output includes one pulse per revolution (Figure 16A).

Regarding claims 12 and 14, these claims recite limitations similar to those in claim 10 and are rejected for the reasons provided above.

Regarding claims 13 and 15, these claims recite limitations similar to those in claim 11 and are rejected for the reasons provided above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamashita et al. (US 5,896,354) discloses an optical storage apparatus. Watanabe et al. (US 6,542,917) discloses a storage apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **THOMAS D. ALUNKAL** whose telephone number is (571)270-1127. The examiner can normally be reached on **M-F 7:30-5:00**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas D Alunkal/
Examiner, Art Unit 2627

/Thang V. Tran/
Primary Examiner, Art Unit 2627